

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

NAVIGATOR HEARTLAND
GREENWAY LLC,

Plaintiff,

v.

IOWA UTILITIES BOARD, A DIVISION
OF THE DEPARTMENT OF COMMERCE,
STATE OF IOWA,

Defendant.

CASE NO. EQCE088024

**PLAINTIFF’S RESISTANCE TO MOTION
TO INTERVENE
AND
COUNTER-MOTION TO STRIKE
INTERVENTION PETITION**

COMES NOW Plaintiff, Navigator Heartland Greenway LLC (“Navigator”), through its undersigned counsel, and for its Resistance to the Motion to Intervene filed by Sierra Club Iowa Chapter (“Sierra Club”) and in support of its Counter-Motion to Strike Intervention Petition, states:

1. Sierra Club does not have the right to intervene in this case.
2. Sierra Club does not qualify for permissive intervention in this case.
3. Sierra Club’s Motion should be denied in its entirety.
4. Since Sierra Club has no ability to intervene in this case, the Intervention Petition separately filed by Sierra Club should be stricken in its entirety.
5. Navigator incorporates by reference the arguments set forth in the Brief filed along with this Resistance.

WHEREFORE Navigator respectfully requests that this Court deny Sierra Club’s Motion to Intervene in its entirety at Sierra Club’s costs, grant Navigator’s Counter-Motion and strike the Intervention Petition filed by Sierra Club in its entirety, and for such other and further relief as the Court deems fit under the circumstances.

Respectfully submitted,

/s/ Brian Rickert

Brian P. Rickert, AT0006633
Samantha C. Norris, AT0009488
James L. Pray, AT0006318
Caitlin L. Stachon, AT0013902
BROWN, WINICK, GRAVES, GROSS, AND
BASKERVILLE, P.L.C.
666 Grand Avenue, Suite 2000
Des Moines, IA 50309-2510
Telephone: 515-242-2400
Facsimile: 515-283-0231
E-mail: Brian.Rickert@brownwinick.com
E-mail: Samantha.Norris@brownwinick.com
E-mail: Pray@brownwinick.com
E-mail: Caitlin.Stachon@brownwinick.com

ATTORNEYS FOR PLAINTIFF NAVIGATOR
HEARTLAND GREENWAY LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 15, 2022, I electronically filed the foregoing with the Clerk of Court by using the Electronic Document Management System, a copy of which will be electronically served upon all counsel of record registered with EDMS via Notice of Electronic Filing or Presentation.

/s/ Brooke E. Johnson, Legal Assistant